

Frederick County
Minimum Livability Code
For Renters



January 1, 1989

INTRODUCTION

The following Minimum Livability Code document was adopted by the Board of County Commissioners, in compliance with Section 6-103 of Article 41B of the Maryland Code, to protect the public health, safety and welfare in residential structures (limited to rental properties) and premises by:

- 1) Establishing minimum property maintenance standards,
- 2) minimum requirements for means of egress, fire protection systems & other fire safety devices,
- 3) fixing the responsibilities of property owners & tenants and
- 4) providing for administration, enforcement & penalties.

It is hoped that with the implementation of this code on January 1, 1989 that a new era of cooperation will ensue between government, property owners and tenants that will ultimately improve the quality of life for Frederick County citizens.



Alice V. Cooper, Director
Housing and Community Development

TABLE OF CONTENTS

Sec. 1-6-31. General.....1

Sec. 1-6-32. Definitions.....2

Sec. 1-6-33. Application.....6

Sec. 1-6-34. Code Enforcement.....7

Sec. 1-6-35. Duties and Powers of Code Official.....8

Sec. 1-6-36. Condemnation.....11

Sec. 1-6-37. Notices and Orders.....13

Sec. 1-6-38. Violations.....15

Sec. 1-6-39. Right to Appeal.....15

Sec. 1-6-40. Environmental Requirements.....16

Sec. 1-6-41. Light and Ventilation Requirements.....22

Sec. 1-6-42. Plumbing Facilities and Fixture Requirements.....24

Sec. 1-6-43. Mechanical and Electrical Requirements.....28

Sec. 1-6-44. Fire Safety Requirements.....32

Sec. 1-6-45. Responsibilities of Persons.....35

Sec. 1-6-46. Severability.....37

THE EFFECTIVE DATE OF THIS ORDINANCE IS JANUARY 1, 1989

ORDINANCE NO. 88-34-511

AN ORDINANCE TO ADOPT
CHAPTER 1-6, SECTIONS 31-46,
OF THE FREDERICK COUNTY MINIMUM LIVABILITY CODE

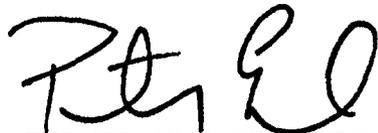
BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND that Chapter 1-6, Sections 31-46, of the Frederick County Minimum Livability Code is hereby adopted to read as shown on the attached document.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID that this Ordinance shall take effect after a copy of the Ordinance has been filed with the Clerk of the Court and a fair summary of the Ordinance has been published in at least one newspaper of general circulation, pursuant to Section 4(b) of Article 25 of the Maryland Code, as amended.

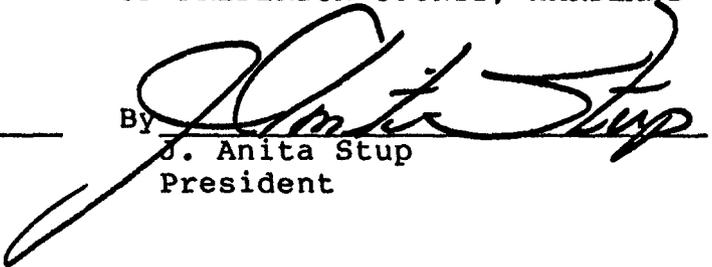
The undersigned hereby certifies that the foregoing Ordinance was approved and adopted on the 23rd day of August, 1988.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Peter Eckel
Administrative Assistant

By 
J. Anita Stup
President

THE EFFECTIVE DATE OF THIS ORDINANCE IS October 1, 1993

ORDINANCE NO. 93-18-082

AN ORDINANCE TO AMEND THE FREDERICK COUNTY
MINIMUM LIVABILITY CODE

WHEREAS, the Director of the Department of Housing and Community Development has recommended three additions to the Minimum Livability Code, namely: requiring separate water meters where tenants are required to pay for their own water usage; requiring separate electric meters where tenants are required to pay for their own electric usage; and, establishing a minimum standard for owner supplied refrigerators, which has been included in the rent; and

WHEREAS, the Director has referred these matters to the other appropriate County departments and received their input and their approval of these amendments; and

WHEREAS, the Board of County Commissioners wishes to promote justice and to prevent fraud in these matters.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND that subsections 1-6-42(e) and 1-6-43(b) and (c) are amended to read as shown on the attached document.

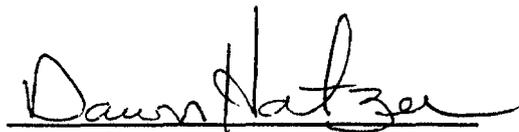
AND BE IT FURTHER ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID that this Ordinance shall take effect on October 1, 1993; in the meantime a copy of the Ordinance will have been

filed with the Clerk of the Court and a fair summary of the Ordinance will have been published in at least one newspaper of general circulation.

The undersign hereby certifies that the foregoing Ordinance was approved and adopted on the 7th day of September, 1993.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Dawn Hatzer
Administrative Officer

By:



Ronald L. Sundergill, President

ARTICLE III. MINIMUM LIVABILITY CODE

CHAPTER 1 - 6 OF THE FREDERICK COUNTY CODE 1979

Sec. 1-6-31. General

A. Title. This article shall be known as the Minimum Livability Code.

B. Scope. This Code is created to protect the public health, safety, and welfare in residential structures and premises by:

(1) Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating and sanitation for residential structures and premises, and for safe and sanitary maintenance of residential structures and premises;

(2) Establishing minimum requirements for residential structures and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire;

(3) Fixing the responsibilities of property owners, operators and tenants of residential structures and premises; and

(4) Providing for administration, enforcement and penalties.

C. Intent. This Code shall be construed liberally and justly to protect public health, safety and welfare insofar as they are affected by the continued use and maintenance of residential structures and premises.

Sec. 1-6-32. Definitions

A. Rules of Interpretation.

(1) Unless otherwise expressly stated, the terms defined in Section 1-6-32 subsection B of this Code shall have the meanings indicated for purposes of this Code.

(2) Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. The singular number includes the plural and the plural the singular.

(3) When terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context may imply.

B. Terms Defined

(1) "Basement" means that portion of a structure which is partly or completely below grade.

(2) "Central heating" means the heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.

(3) "Code" means the Minimum Livability Code Regulations.

(4) "Code official" means the Director of the Frederick County Department of Housing & Community Development or her designee.

(5) "Condemn" means to declare a structure or part of it, premises, or equipment, unsafe or unfit for use or occupation.

(6) "Extermination" means the control and elimination of insects, rodents, or other pests by:

(a) Eliminating their harborage places;

(b) Removing or making inaccessible materials that may serve as their food;

(c) Poison spraying, fumigating, trapping, or by any other pest elimination methods which have received all necessary and legally required approvals.

(7) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(8) "Habitable area" means the space in a structure used for living, sleeping, eating, or cooking including bathrooms and toilet compartments. Closets, halls, storage or utility space, and similar areas are not considered habitable areas.

(9) "Housing unit" means a single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.

(10) "Infestation" means the presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

(11) "Maintenance" means the repair and other acts intended to prevent a decline in the condition of a structure, premises, or equipment below the standards established by this Code and other applicable statutes, codes and ordinances.

(12) "Occupant" means an individual having possession of a space within a housing unit.

(13) "Operator" means a person who has charge, care, or control of a structure or premises which is offered for occupancy.

(14) "Owner" means "property owner" as defined in (19) below.

(15) "Person" includes an individual, partnership, limited partnership, trust, estate, association or corporation.

(16) "Plumbing" means the practice, materials, facilities, and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances, and appurtenances within the scope of the applicable plumbing code.

(17) "Plumbing fixture" means a receptacle or device which:

(a) Is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water from it;

(b) Discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or

(c) Requires both a water supply connection and a discharge to the drainage system of the premises.

(18) "Premises" means a lot, plot or parcel of land including the structures on it.

(19) "Property owner" means a person having a legal or equitable interest in the premises, including the guardian of the estate of the person, or the executor or administrator of the estate of the person if ordered to take possession of the premises by a court.

(20) "Rubbish" means paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials as well as the residue from the burning of wood, coal, coke, and other combustible materials.

(21) "Structure" means a residential structure used for human habitation.

(22) "Tenant" means an occupant other than a property owner.

(23) Ventilation.

(a) "Ventilation" means the process of supplying and removing air by natural or mechanical means to or from a space.

(b) "Mechanical ventilation" means ventilation by power-driven devices.

(c) "Natural ventilation" means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without power-driven devices.

Sec. 1-6-33. Application

A. The Minimum Livability Code shall apply to residential structures used for human habitation except:

- (1) Owner-occupied single family housing units; or
- (2) Housing exempted by the code official.

B. Repairs or alterations to a structure, or changes of use to it, which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with the procedures and provisions of the Frederick County Building Code, the Frederick County Plumbing Code, the Frederick County Electrical Code or any other law or ordinance applicable to housing in Frederick County.

C. The provisions in this Code do not abolish or impair any remedies available to the Board of County Commissioners of Frederick County or its officers or agencies relating to the removal or demolition of any structures which are deemed to be dangerous, unsafe, and unsanitary.

D. Repairs, maintenance, alterations, or installations which are required for compliance with this Code shall be executed and installed in accordance with industry standards so as to secure the results intended by this Code.

Sec. 1-6-34. Code Enforcement

A. Enforcement. It shall be the duty and responsibility of the Director of the Frederick County Department of Housing & Community Development or her designee to enforce the provisions of this Code.

B. Waiver. The Director of the Frederick County Department of Housing & Community Development may waive applicability of this Code, in whole or part, to a unit of rental housing on application of the owner if:

(1) Adequate notice is afforded a tenant of the unit; that is a copy of the said application is either hand-delivered or mailed 1st Class to the tenant with a request for comment;

(2) The tenant is afforded an opportunity to comment on the application either in writing or in person; and

(3) The waiver would not threaten the health or safety of a tenant.

C. Displacement. A person may not be displaced by enforcement of the Minimum Livability Code unless alternate housing of comparable affordability is available within a reasonable distance of the vacated premises.

D. Enforcement and waiver application are not intended to supersede any State laws pursuant to the Annotated Code of Maryland as follows:

- (1) State fire laws, Article 38A;
- (2) State elevator laws, Article 89; and
- (3) State boiler laws, Article 48.

Sec. 1-6-35. Duties and Powers of Code Official

A. General. The Director of the Frederick County Department of Housing and Community Development or her designee is hereby designated as the code official. The code official shall enforce the provisions of this Code except as may otherwise be specifically provided by these sections.

B. Notices and Orders. The code official shall issue all notices and orders necessary to insure compliance with this Code.

C. Inspections. The code official is authorized to enter a structure or premise at any reasonable time upon providing reasonable notice to the owner or tenant, for the purpose of making inspections and performing duties under this Code.

D. Alterations and Repairs.

(1) The code official has the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with this Code. The determination of what may be necessary to bring the premises into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in this Code.

(2) The code official shall have the authority to approve changes in alterations or repairs in the field when conditions are encountered which make the originally approved work impractical, if the changes in approved work can be readily determined to be in compliance with this Code and are requested by the owner or his agent before the changes.

(3) The changes shall be specifically documented by the owner or by his agent, describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project.

E. Right of Entry. If a property owner, tenant, or operator of a structure refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Code is sought, the code official may seek, in a court of competent jurisdiction, an order that the property owner, tenant, or operator cease and desist from the interference.

F. Access by Owner. A tenant of a structure or premises shall give the owner, or agent or employee, access to any part of the structure or its premises at reasonable times upon being given reasonable notice for the purpose of making the inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this Code.

G. Credentials. The code official shall disclose his credentials for the purpose of inspecting a structure or premises.

H. Coordination of Enforcement.

(1) The inspection of structures and premises, the issuance of notices and orders, and enforcement of them, shall be the responsibility of the code official.

(2) Whenever a code official initiating an inspection of a premises under this Code becomes aware that an inspection of the same

premises is to be made by any other governmental official or agency, the code official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the number of visits by inspectors.

(3) The code official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before any are issued.

(4) The code official may not, however, cause the delay of the issuance of any emergency orders by any governmental official or agency which the governmental official or agency determines must be issued.

Sec. 1-6-36. Condemnation

A. General.

(1) When a structure or part of it is found by the code official to be unsafe or unfit for human occupancy or use, the code official may condemn the structure or part of it and may order the structure or part of it to be placarded and vacated to the provisions of this Code.

(2) The structure or part of it may not be reoccupied without approval of the code official. Unsafe equipment may be condemned, placarded, and placed out of service pursuant to the provisions of this Code.

B. Unsafe Structure. An unsafe structure is one in which all or part of it is found by the code official to be dangerous to life, health, property, or the safety of its tenants by not providing minimum protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

C. Unsafe Equipment.

(1) Unsafe equipment includes any boiler, heating, equipment, cooking equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found by the code official to be a hazard to life, health, property, or safety of the tenants of the premises or structure.

(2) Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

D. Structure Unfit for Human Occupancy. A structure is unfit for human occupancy or use whenever the code official finds that it is unsanitary, vermin or rodent infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the Code.

E. Closing of Vacant Structures. Upon failure of an owner to close or vacate a premises within the time specified in an order, the code official may cause the premises to be closed through any available public agency or by contract or arrangement with private persons and the cost shall be charged against the real estate upon which the structure is located and shall be lien upon the real estate. If the owner fails to repay the county for expenses incurred pursuant to this procedure within thirty (30) days after written demand has been mailed to his last known address, the code official shall notify the collector of taxes for Frederick County and a tax lien in favor of the county for the amount of the expenses incurred pursuant to this procedure shall attach to the property. The property may be sold at tax sale to satisfy a lien authorized by this section.

Sec. 1-6-37. Notices and Orders

A. General

(1) Whenever the code official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, or whenever the code official has determined to condemn any structure, or part of it, or equipment under the provisions of Section 1-6-36, notice shall be given to the owner and operator and to the tenant in the manner prescribed in this Code.

(2) If the code official has condemned the structure or part of it, or equipment, the code official shall serve prior notice to the property owner and operator and to the tenants of the intent to:

(a) Order the structure or part of it placarded or vacated; or

(b) Order the equipment placed out of service.

B. Service of Notice.

(1) Notice shall be deemed to be properly served upon a property owner or operator or tenant by one of the following methods:

(a) By delivering to the person to be served or his agent a copy of the notice and all other necessary papers; or

(b) By mailing to the person to be served at his last known address or to his agent by 1st class mail a copy of the notice and all other necessary papers and by posting a copy of it in a conspicuous place in or about the structure affected by the notice.

C. Notice to Vacate. When a condemnation order is served on a tenant, the tenant shall be given a reasonable time to vacate the structure in accordance with the State or local law.

D. Transfer of Ownership. A Property Owner who has received a compliance order or upon whom a notice of violation has been served may not sell, transfer, mortgage, lease, or otherwise dispose of the premises until:

(1) The provisions of the compliance order or notice of violation have been complied with; or

(2) The property owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, in which he acknowledges the receipt of the compliance order or notice of violation and states that he fully accepts and assumes the responsibility without condition for making the corrections or repairs required by the compliance order or notice of violation.

E. Removal of Placard. A property owner may not deface or remove a condemnation placard without the approval of the code official.

Sec. 1-6-38. Violations

A. Penalty. Any person who willfully violates any provision of this Code is guilty of a misdemeanor and on conviction for each violation is subject to a fine not exceeding \$500 for each day that the violation exists or imprisonment not exceeding 3 months, or both.

B. Other Penalties. A penalty ordered under this Code is in addition to and is not a substitute for any other penalty authorized under a federal, State, or local law.

C. The Board of County Commissioners of Frederick County has the authority to seek injunctive relief to gain compliance with the provisions of this Code.

Sec. 1-6-39. Right to Appeal

Petition. A person aggrieved by a decision of the code official which has been made in connection with the enforcement of any provision of this Code, or of a regulation adopted pursuant to this Code, may request and shall be granted a hearing by the Director of the Division of Citizens Services or his designee. Any person aggrieved by his decision may request and may be granted a hearing by the Board of County Commissioners of Frederick County or its designee.

Sec. 1-6-40. Environmental Requirements

A. Scope. The provisions of this section shall establish the minimum standards for maintenance of premises and structures under this Code.

B. Premises Conditions.

(1) Sanitation. The premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish and garbage.

(2) Insect and Rodent Control. The premises shall be free from infestation of insects, rodents, vermin, or other pests of a public health significance.

C. Exterior Structure.

(1) General. The exterior of a structure shall be maintained in good repair, and shall be structurally sound and maintained in a sanitary condition so as not to pose a threat to the health, safety, or welfare of the occupants.

(2) Structural Members. Supporting structural members of a structure shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads imposed upon them.

(3) Exterior Surfaces. Each foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in good repair and shall be kept in such condition as to exclude rodents and other pests of public health significance.

(4) Foundation Walls. Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.

(5) Exterior Walls.

(a) Each exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied areas of the structure.

(b) All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.

(6) Roofs and Drainage. The roof shall be structurally sound, and may not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the structure.

(7) Decorative Features. All cornices, entablatures, belt courses, corbels, terre cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(8) Signs, Marquees, and Awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar overhang extensions shall be maintained in good repair, be properly anchored and kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

(9) Chimneys.

(a) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally sound, safe and in good repair.

(b) All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

(10) Stairs and Porches. Each exterior stair, porch, fire escape, balcony, and all appurtenances attached to them shall be safe to use and capable of supporting the anticipated loads and shall be maintained in a safe and sound condition and good repair.

(11) Windows, Doors and Frames. Each window, door, and frame shall be maintained so as to exclude rain and rodents as completely as possible, and to substantially exclude wind from entering the structure.

(12) Weathertight. Each window and exterior door shall be fitted reasonably in its frame and be weathertight. Each window shall be free of cracks and holes.

(13) Openable Windows. Each window, used for ventilation pursuant to Section 1-6-41C or emergency escape pursuant to Section 1-6-44B(6), shall be capable of being easily opened from the inside and shall be held in position by window hardware.

(14) Insect Screens.

(a) During the period from April 1 to December 1, every door and window or other outside opening used for ventilation purposes shall be supplied with tight fitting insect screens.

(b) Exception. Upon the prior approval of the code official, screens may not be required for exterior doors or other types of openings which make screening impractical, such as openings equipped with air conditioning units or openings above the fourth floor. The code official may require alternatives to screens.

(15) Door Hardware. Each exterior door and its hardware shall be maintained in good condition. Door locks on all interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

D. Interior structure

(1) General. The interior of a structure and its equipment and facilities shall be maintained in good repair, structurally sound, and in sanitary condition so as not to pose a threat to the health, safety, or welfare of the occupants.

(2) Structural Members. The supporting structural members of a structure shall be maintained structurally sound, free of deterioration, and maintained capable of safely carrying the imposed loads.

(3) Interior Surfaces. Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good repair and in a clean, safe and sanitary condition.

(4) Bathroom and Kitchen Floors. Each toilet, bathroom, and kitchen floor surface shall be maintained so as to be substantially impervious to water to permit the floor to be easily kept in a clean and sanitary condition.

(5) Sanitation.

(a) The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

(b) Rubbish or garbage shall be properly kept inside temporary storage facilities.

(c) Garbage or rubbish may not be allowed to accumulate or be stored in public halls or stairways.

(6) Insect and Rodent Harborage.

(a) A structure shall be kept free from infestation, and where infestation is found, the area shall be promptly exterminated by processes which are not injurious to human health.

(b) Continuing or repeated incidents of infestation, as determined by the code official, shall require the installation of rodent and vermin-proof walls. The rodent and vermin-proof walls shall be installed in accordance with the applicable local building code.

(7) Exit Doors. Each door available as an exit shall be capable of being opened easily from the inside.

(8) Exit Facilities.

(a) All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair.

(b) Each interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

Sec. 1-6-41. Light and Ventilation Requirements:

A. General.

(1) Scope. The provisions of this section shall govern the minimum standards for basic equipment and facilities used for light and ventilation of a structure under this code.

(2) Alternative Methods and Devices. In place of the means for natural light and ventilation prescribed in this regulation, alternative arrangement of windows, louvers, or other devices or methods that will provide the equivalent minimum performance requirements shall be permitted in order to comply with the Frederick County Building Code.

B. Light.

(1) General. All areas in a structure shall be provided sufficient light so as not to endanger health and safety. All areas in a structure shall be provided with natural light or equipment to accommodate artificial light or sufficient intensity and distributed so as to permit the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment and fixtures.

(2) Common Halls and Stairways. Each common hall and stairway in a structure, other than one and two-family structures, shall be adequately lighted at all times with an illumination equivalent to the foot candles provided by at least a 60 watt standard incandescent light bulb for each 200 square feet of floor area, provided that the spacing between lights may not be greater than 30 feet. Every exterior stairway shall be illuminated.

C. Ventilation.

(1) General. All areas in a structure shall be provided sufficient ventilation so as not to endanger health and safety.

(2) Mechanical Ventilation.

(a) When mechanical ventilation is provided instead of natural ventilation, the mechanical ventilating system shall be maintained in operation during the occupancy of the structure or portion of it.

(b) When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated may not be recirculated to a different habitable area.

Sec. 1-6-42. Plumbing Facilities and Fixture Requirements

A. Scope. The provisions of this section shall govern the minimum standards for plumbing facilities and fixtures under this code.

B. Required Plumbing Facilities. Each housing unit shall include its own plumbing facilities which shall be maintained in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities shall be supplied and maintained in a sanitary and safe working condition:

(1) Water Closet and Lavatory.

(a) Each housing unit shall contain within its walls, a room separate from other habitable areas, which provides a water closet supplied with cold running water and which affords privacy.

(b) A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which the water closet is located.

(c) The lavatory shall be supplied with hot and cold running water.

(2) Bathtub or Shower. Each housing unit shall contain a room which is equipped with a bathtub or shower supplied with hot and cold running water and which affords privacy.

(3) Kitchen Sink. Each housing unit shall contain a kitchen sink apart from the lavatory required under section 1-6-42B(1). The sink shall be supplied with hot and cold running water.

C. Alternative Plumbing. Alternative plumbing facilities and fixtures for use in housing units may be allowed as approved on a case-by-case basis by the code official.

D. Plumbing Fixtures.

(1) General. All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of nonabsorbent material and shall have received all necessary and legally required approvals.

(2) Connections.

(a) Water supply lines, plumbing fixtures, vents, and drains shall be properly installed, connected, and maintained in working order and shall be kept free from obstruction, leaks, and defects and shall be capable of performing the function for which they are designed.

(b) All repairs and installations shall be made in accordance with the provisions of the Frederick County Building Code or the Frederick County Plumbing Code.

(3) Maintenance. All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects, rodents, or produce dangerous or offensive gases or odors.

(4) Access for Cleaning. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and area around it.

E. Water System.

(1) General. Each sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing facility shall be properly connected to either a public water system or to a private water system which has received all necessary and legally required approvals.

(2) Contamination. The water supply shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

(3) Water Supply. The water supply system shall have separate meters for each unit where the tenant is required to pay for water usage above and beyond their rent, and shall be installed and maintained to provide at all times a supply of water to plumbing facilities, fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.

(4) Water heating Facilities.

(a) Water heating facilities shall be installed in a manner which has received all necessary and legally required approvals, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water.

(b) Water heating facilities shall be capable of heating water to such a temperature so as to permit an adequate amount of water to be drawn at every kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar facilities, at a temperature of not less than 110 degrees F.

(5) Alternative Water Systems. Alternative water systems may be allowed as approved on a case-by-case.

F. Sewage System.

(1) General. Each sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public sewer system or private sewage disposal system which has received all necessary and legally required approvals.

(2) Maintenance.

(a) Each plumbing stack, waste and sewer line shall be installed and maintained as to function properly and shall be kept free from obstructions, leaks, and defects to prevent structural deterioration or health hazards.

(b) All repairs and installations shall be made in accordance with the provisions of the Frederick County Building Code or the Frederick County Plumbing Code.

Sec. 1-6-43. Mechanical and Electrical Requirements

A. General.

(1) Scope. The provisions of this section shall govern the minimum standards for mechanical and electrical facilities and equipment under this code.

B. Heating Facilities.

(1) Residential Structures.

(a) Each housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65 degrees F in all habitable areas during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60 degrees F during other hours.

(b) The temperature shall be measured at a point 3 feet above the floor and 3 feet from exterior walls.

(c) Exception. When the exterior temperature falls below 0 degrees F and the heating system is operating at its full capacity, a minimum room temperature of 60 degrees F shall be maintained at all times.

(2) Cooking and Heating Equipment.

(a) All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and water flow obstructions, and kept functioning properly so as to be free from fire, health, and safety hazards.

(b) A refrigerator supplied by the owner shall be capable of storing food at temperatures between 32 and 45 degrees F under ordinary maximum summer conditions. Any replacement by the owner shall be approximately the same capacity, or larger, than the one removed.

(c) All installations and repairs shall be made in accordance with the provisions of the Frederick County Building Code, or other applicable laws or ordinances thereto.

(d) Portable cooking equipment employing flame is prohibited, except for residential type food trays or salvers which are heated by a candle or alcohol lamp and which have received all necessary and legally required approvals.

(3) Installation. All mechanical equipment used for heating and cooking shall be properly installed and safely maintained in good working condition, and shall be capable of performing the function for which it was designed and intended.

(4) Fuel Burning Equipment. All fuel burning equipment shall be connected to a chimney, flue, or vent in accordance with applicable local or State codes or according to manufacturer's instructions in cases where no local or State codes apply.

(5) Clearances. All necessary and legally required clearances to combustible materials shall be maintained.

(6) Safety Control. All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or State codes, or according to manufacturer's instructions in cases where no local or State codes apply.

(7) Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.

(8) Unauthorized Devices. Device purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line, or the vent outlet or vent piping may not be used unless labeled for that use and the installation has specifically received all necessary and legally required approvals.

(9) Fireplaces. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to chimneys which have received all necessary and legally required approvals.

(10) Climate Control. When facilities for interior climate control (heating, cooling, and humidity) are integral functions of housing units, these facilities shall be maintained and operated in accordance with the designed capacity.

C. Electrical Facilities.

(1) Facilities Required. Provided that there is usable electric service available from a power line not more than 300 feet away, a structure shall be adequately and safely provided with an electrical system in compliance with the requirements of this section.

(2) Separate Service. Each housing unit shall have a separate electric meter for each unit where the tenant is required to pay for electric usage above and beyond their rent.

(3) Receptacles. Each habitable area in a housing unit shall contain at least one receptacle outlet. Each laundry area and bathroom shall contain at least one grounded type receptacle. Each kitchen shall contain at least two receptacles.

(4) Lighting Fixtures. Each public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

(5) Service. When the electrical system requires modification to correct a violation of this section, the service shall be corrected to a minimum of 60 ampere, three wire service.

(6) Installation. All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of a type which has received all necessary and legally required approvals.

Sec. 1-6-44. Fire Safety Requirements

A. Scope. The provisions of this Section shall govern the minimum standards for fire safety facilities and equipment under this code. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety.

B. Means of Egress.

(1) General. A safe, continuous, and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, yard, court, or passageway leading to a public open area at grade.

(2) Direct Exit. Each housing unit shall have access directly to the outside or to a common area that leads directly to the outside.

(3) Doors. All doors in the required means of egress shall be easily opened from the inner side.

(4) Fire Escapes. All fire escapes shall be maintained in working condition and structurally sound.

(5) Exit Signs. All exit signs shall be illuminated and visible.

(6) Emergency Escape. Each sleeping room located in a basement shall have at least one openable window or exterior door for emergency egress or rescue which has received all necessary and legally required approvals or shall have access to two separate exits which have received all necessary and legally required approvals.

C. Accumulation and Storage.

(1) General. Garbage or rubbish may not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

(2) Flammable Matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible rubbish such as waste paper, boxes and rags, may not be accumulated or stored on the premises except in reasonable quantities consistent with normal usage.

(3) Residential Unit. A housing unit may not be located within a structure containing an establishment handling, dispensing, or storing flammable liquids with a flash point of 100 degrees F or lower, except as provided for in the applicable local building code.

D. Fire Resistance Ratings. Floors, walls, ceilings, and other elements and components which are required by the applicable fire code to comply with a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.

E. Fire Protection Systems.

(1) General. All fire protection systems and equipment shall be maintained in proper operating condition at all times.

(2) Smoke Detectors.

(a) All housing units shall be provided with a minimum of one single station smoke detector in the vicinity of each sleeping area.

(b) The smoke detector shall be installed and maintained in accordance with the State fire laws. Article 38A, subsection 12A. Annotated Code of Maryland. Smoke Detection Systems, or its successor statute.

(c) When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.

(3) Fire Suppression System. Fire suppression systems in housing units so equipped shall be maintained in good condition, free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint, and may not be bent or damaged.

(4) Fire Extinguishers. All portable fire extinguishers in housing units so equipped shall be visible and accessible, and maintained in an efficient and safe operating condition.

F. Fire Doors.

(1) All necessary and legally required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for their proper operation.

(2) The use of door stops, wedges and other hold-open devices which have not received all necessary and legal approvals or which have been denied approval is prohibited.

Sec. 1-6-45. Responsibilities of Persons

A. Scope. An owner shall be responsible for compliance with the provisions of this Code, and may be cited for violations of it, except as provided in this section. A person may not rent or lease to another person for occupancy or use any housing unit unless the structure and premises comply with the provisions of this Code.

B. General. An owner may not be cited for a violation of this Code that is caused by the negligent, wrongful or malicious acts or omissions of a tenant, provided the owner's acts or omissions have not contributed in any way to cause the violation.

C. Sanitary Condition.

(1) Cleanliness.

(a) The tenant shall be responsible for keeping that part of the structure or premises which the tenant occupies, controls, or uses in a clean and sanitary condition.

(b) Each owner of a structure containing two or more housing units shall maintain, in a clean and sanitary condition, the common areas of the structure and premises.

(2) Disposal and Storage of Rubbish and Garbage. The tenant shall be responsible for the storage and disposal of rubbish and garbage in a clean and sanitary manner as may be required by applicable laws or ordinances.

(3) Supplied Fixtures and Equipment.

(a) The tenant shall be responsible for keeping owner-supplied equipment and fixtures clean and sanitary, and for the exercise of reasonable care in their proper use and operation.

(b) The owner shall be responsible for maintaining the equipment and fixtures in good and proper operating condition.

(4) Furnished by Tenant. The tenant shall be responsible for the maintenance of equipment and fixtures furnished by the tenant. The equipment and fixtures shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks, or obstructions.

D. Extermination.

(1) All Structures. If necessary, the owner shall be responsible for extermination within the structure and on the premises before renting or leasing the structure.

(2) Single occupancy. The tenant of a structure containing a single housing unit shall be responsible for the extermination of any insects, rodents or other pests in the structure or the premises.

(3) Multiple occupancy. Each owner of a structure containing two or more housing units shall be responsible for the extermination of any insects, rodents, or other pests in the structure or on the premises except where infestation within a housing unit is caused by a failure of the tenant to take reasonable action to prevent the infestation within the housing unit.

E. Fire Safety. Responsibility for installing and maintaining in good working order and smoke detector installed pursuant to this Code shall be in accordance with the State fire laws. Article 38A, subsection 12A, Annotated Code of Maryland, Smoke Detection Systems, or its successor.

Sec. 1-6-46. Severability

The provisions of these sections are severable. A judgment by any court of competent jurisdiction finding or declaring that any provisions of these sections or the application of any provision to any person or circumstance is invalid does not affect the validity of the remaining provisions of the sections or any other application of these sections and the remaining applications shall have full force and effect as if no judgment has been entered.